

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Vol. I, Pg. 1-122

MARLENE JOHANSON, )  
Plaintiff/Counterclaim Defendant, )  
 )  
-vs- )  
 )  
UNITED STATES OF AMERICA, )  
Defendant/Counterclaim Plaintiff, )  
 )  
-vs- )  
 )  
NATIONAL CITY MORTGAGE CO., )  
and TIMOTHY BURKE, )  
Counterclaim Defendants )

The **DEPOSITION OF MARLENE E. JOHANSEN**, taken on behalf of the Defendant/Counterclaim Plaintiff, pursuant to the Massachusetts Rules of Civil Procedure before Mary K. Corcoran, a Professional Shorthand Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the offices of TIMOTHY J. BURKE & ASSOCIATES, 400 Washington Street, Suite 303, Braintree, MA, on Friday, May 6, 2005, commencing at 10:02 a.m.



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A P P E A R A N C E S

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1 get married again?

2 A. Yes.

3 Q. When was that?

4 A. '80.

5 Q. And where were you working at that time?

6 A. I owned a store.

7 Q. When did you open the store?

8 A. '80.

9 Q. Did you work in banking up until that  
10 time?

11 A. No.

12 Q. Was there a time frame when you worked  
13 somewhere other than banking and before you opened  
14 the store?

15 A. Yes. I worked for -- it's clicking now --  
16 a company called Leggs, L-E-G-G-S.

17 Q. And what did they do?

18 A. They're pantyhose people.

19 Q. And what did you do for them?

20 A. I was a -- I don't know what the heck the  
21 title would be called, but I would get new accounts.  
22 And once I got the account, I would have to do  
23 inventory and stock the store.

24 So, say I got an account let's say with, I

1 don't know, some pharmacy, and then I would have  
2 that as one of my accounts, and I would have to make  
3 sure the inventory gets done.

4 Q. Maybe a salesperson or an account manager?

5 A. I think -- I don't know. I don't remember  
6 the title that we were given. Titles don't mean  
7 anything to me. I just did a job.

8 Q. And what led you to open a store?

9 A. What happened was I was unemployed, and I  
10 used to walk or jog by this store that was a candy  
11 store, and I would pop in every now and then and  
12 talk to the people that were in there, and they were  
13 retiring, and I had mentioned it to my father.

14 He said why don't you buy it. I said, because  
15 I don't have the money. So, he said I'll give you  
16 the money -- not that he -- you know, he said, you  
17 know, to pay me back. We'll work something out, and  
18 that's how it all came about.

19 Q. What type of store was this?

20 A. Penny candy, variety store.

21 Q. I'm sorry, penny candy?

22 A. Mm-hmm.

23 Q. And where is that located?

24 A. Stoneham.

1 Q. I've always pronounced it Stoneham. Is it  
2 Stoneham?

3 A. It's whatever, however. I don't know.

4 Q. I didn't grow up in New England, so for  
5 me --

6 A. Everyone pronounces it differently, so.

7 Q. Do you remember how much you paid for the  
8 store or how much it cost to buy it about?

9 A. I want to say twenty thousand. I don't  
10 know. There's a two in there. I don't know why,  
11 but.

12 Q. You don't think it was two hundred  
13 thousand?

14 A. Oh, no, no. We're talking '80, no. Times  
15 have changed.

16 Q. And did you buy it from the folks who were  
17 operating the store before you bought it?

18 A. Yes.

19 Q. I don't know if there were different  
20 owners. They might have only been operators.

21 A. Oh, I see what you're saying, no.

22 Q. So, you bought it from the operators of  
23 the store?

24 A. Yes.

1 Q. Did you also buy the realty, the land or  
2 the building?

3 A. No.

4 Q. And so, when you were running the store,  
5 you had to pay rent?

6 A. Correct.

7 Q. And for how long did you operate the store  
8 for?

9 A. Until '86.

10 Q. Did you work anywhere else other than the  
11 store during that time frame?

12 A. No.

13 Q. And after '86, where did you go to work?

14 A. It was a temporary service.

15 Q. And what did you do there?

16 A. I placed people.

17 Q. Why did the store close?

18 A. My landlord was quadrupling my rent. I  
19 couldn't afford it.

20 Q. When you bought the store from the  
21 original owners, what did you buy; was it the  
22 business name or their inventory?

23 A. Business name and the inventory.

24 Q. Did that business name have any value

1 after the landlord increased your rent so much?

2 A. You need to explain.

3 Q. Were you able to sell any part of the  
4 store --

5 A. No.

6 Q. -- at the end?

7 A. No.

8 Q. Was there any inventory left or could you  
9 return that back to the suppliers?

10 A. What I could return was returned; and if I  
11 couldn't, you know, I just sold down.

12 Q. Kind of a going-out-of-business sale?

13 A. Right.

14 Q. And how long did you work in temporary  
15 services for?

16 A. Oh, God, until -- I'm trying to think here  
17 -- I want to say '92.

18 Q. And so, you worked in temporary services  
19 for about six years?

20 A. Right.

21 Q. Do you remember the name of the temporary  
22 services place?

23 A. Well, the first one was First Temporary.

24 Q. And was there a second one?

1 A. Yes. First Temporary Services, Norrell,  
2 N-O-R-R-E-L-L.

3 Q. And was there a third one?

4 A. No.

5 Q. And after '92, where did you go to work if  
6 anyplace?

7 A. Weight Watchers.

8 Q. And what did you do at Weight Watchers?

9 A. I was a counselor.

10 Q. Did you require any kind of schooling or  
11 training for that?

12 A. They had a training program.

13 Q. And do you remember how long that was  
14 about?

15 A. Oh, six weeks and it was constant, I mean,  
16 a full eight hours a day, you know, but then it was  
17 constantly ongoing.

18 Q. Oh, you mean the training was continual?

19 A. Yes.

20 Q. Were you required to take the training --

21 A. Yes.

22 Q. -- before going to -- remember how I  
23 talked about I'd ask a question, and you know full  
24 well where I'm going when I ask that question.



1 A. Mm-hmm.

2 Q. Were you required to take that or to  
3 complete the training before working at  
4 Weight Watchers?

5 A. Yes.

6 Q. I know the answer. You know the answer.  
7 Mr. Burke, Mr. McMahon know the answer. I just need  
8 it to read clean for the Court Reporter. That's  
9 all.

10 A. Uh-huh.

11 Q. And how long did you work at Weight  
12 Watchers for?

13 A. Weight watchers was I want to say '95 --  
14 no. It would have been. When was the Oklahoma  
15 bombing? '94. Oh, then it was '95.

16 Q. It's funny how certain events bring back  
17 our memories. What was your next job?

18 A. Diet Workshop.

19 Q. And what did you do at Diet Workshop?

20 A. I was a counselor, and then I became a  
21 manager.

22 Q. Were you required to take any training  
23 when you went to work at Diet Workshop?

24 A. Yes.

1 Q. Do you remember how long?

2 A. Because I had already been in the business  
3 and basically knew the nutritional end of it. Let's  
4 say, it was, how do you say, like ghosting, you  
5 know, you'd follow someone around.

6 I don't know what the term is called, but I  
7 didn't do any classes or anything for about four  
8 weeks. I just followed someone around and watched  
9 the procedures.

10 Q. Maybe like an apprenticeship period?

11 A. Well, kind of.

12 Q. And how long did you work at Diet Workshop  
13 for?

14 A. Until I think it was 2000.

15 Q. And then what did you do?

16 A. I was -- it wasn't 2000. It was 1999. I  
17 went to work for Lunch Dates.

18 Q. And what is Lunch Dates?

19 A. They're a matchmaking company.

20 Q. And how did that work?

21 A. Well, what do you mean how did it work?  
22 Oh, you want to know how the business worked?

23 Q. Yes.

24 A. Oh, I see what you're saying.

1 MR. BURKE: Off the record for a  
2 second.

3 (Brief discussion held  
4 off the record.)

5 A. This company, Lunch Dates, was -- it's  
6 been in business thirty years. Maybe it's more than  
7 thirty years now. Three people, all single or  
8 divorced, I don't remember, were friends and  
9 couldn't find dates, and they said wouldn't it be  
10 nice to match people up some way.

11 So, they called all their single friends, male  
12 and female, and started matching them up, and they  
13 realized, my, God, we've got a business here. We  
14 could charge people.

15 Of course, remember we're going back thirty  
16 some odd years, and I just saw an ad in the  
17 newspaper called Lunch Dates, and said if you've  
18 been in the weight loss industry or if you've been  
19 in human resources.

20 I mean, I'm saying this ad is talking to me,  
21 so that's why I answered it. At that point, they  
22 weren't computerized. Everything was done on the  
23 phone. So, on Tuesday nights and Thursday nights, I  
24 would interview people in -- they had various

1 offices where you'd go.

2 And then during the day with all the  
3 information that I would come back with, we'd all  
4 sit on the floor and go through everything,  
5 scrutinize it, no computer, which was very difficult  
6 for me, and try and make matches, and we did.

7 I mean, they matched a lot of people. They  
8 had a lot of marriages, a lot of babies, and it  
9 works. It's crazy, I know, but it works. They're  
10 still in business.

11 Q. Were you able to utilize your experience  
12 in the weight loss industry in that job?

13 A. I think so. Also, in the temporary field  
14 interviewing people.

15 Q. How did the weight loss experience help in  
16 that job?

17 A. I think it's all maybe, I don't know,  
18 yeah, the right word is empathy or compassion or,  
19 you know, just listening to people and what they've  
20 been going through and trying. You know, as you  
21 said, you're busy. You're limited as to how you  
22 meet people.

23 Q. And how long did you work for Lunch Dates  
24 for?

1 A. Until 2000.

2 Q. And then what did you do?

3 A. I went in something that I had wanted to  
4 do for a very long time, but got a lot of  
5 opposition, was the travel industry.

6 Q. And where did you go to work?

7 A. Woburn, National Leisure Group.

8 Q. And what were you doing in 2000 with  
9 regard to National Leisure Group?

10 A. I was a travel consultant.

11 Q. And what does that mean?

12 A. That means that I would plan trips for  
13 people.

14 Q. Is that like a travel agent?

15 A. Uh-huh.

16 Q. Is there a difference?

17 A. I don't know. They called us travel  
18 consultants, so.

19 Q. How long have you worked at National  
20 Leisure Group for?

21 A. Until 2002.

22 Q. And then what did you do?

23 A. I went to work for Doctor DeAngelo.

24 Q. And what type of doctor is

1 Doctor DeAngelo?

2 A. He's an optometrist.

3 Q. An eye doctor?

4 A. Yes.

5 Q. I wanted to make sure. And what did you  
6 do for Doctor DeAngelo?

7 A. Basically, admin and also I call them  
8 field vision tests, glaucoma tests, taught people  
9 how to remove and insert contacts, lenses.

10 Q. Now, I know.

11 A. I bet I could teach you.

12 Q. And how long did you work for  
13 Doctor DeAngelo for?

14 A. 2003.

15 Q. And what did you do after that?

16 A. I have not been working.

17 Q. How do you keep yourself busy then?

18 A. Well, I'm very busy, believe it or not.  
19 I'm not getting paid, but I am very busy. I have  
20 two aunts and a mother who are not in very good  
21 health.

22 Q. Are you giving care to them?

23 A. When you say that, I don't know what you  
24 mean.

1 Q. They're not in good health, so are you  
2 assisting them in any way, shape, or form?

3 A. Well, they don't drive, so I will drive  
4 them to the doctor's, or I will go do all the  
5 grocery shopping, pay the bills, just line up  
6 whatever they need.

7 Q. And where do your mom and aunts live?

8 A. In Medford.

9 Q. They're all in Medford?

10 A. Yes.

11 Q. And do you remember when you stopped  
12 working for Doctor DeAngelo, when in '03?

13 A. August.

14 Q. And you've been unemployed since that  
15 time?

16 A. Uh-huh.

17 Q. I'm sorry?

18 A. Oh, yes.

19 Q. I'll be asking about your husband's  
20 situation and what he's done during his deposition.  
21 I will not be asking them to you. But one thing  
22 that will help me fill in a little bit is  
23 understanding the number of hours you were working,  
24 so I want to go over this again a little bit and

1 just ask what your general wages were like, how many  
2 hours you were working, to the extent you remember.  
3 If you don't remember, again, there are no wrong  
4 answers here.

5 A. Okay.

6 Q. You and Ralph Johansen were married was it  
7 in 1980?

8 A. Correct.

9 Q. And when you were working at the store in  
10 1980, did you make any money running the store?

11 A. Yes.

12 Q. Was it a good living; was it good  
13 earnings?

14 A. It was okay.

15 Q. During those six years, did you rely  
16 mostly on the store to pay the family bills or  
17 mostly on your husband's earnings to pay those  
18 bills?

19 A. Any money from the store went into the  
20 house. I mean, that's how it always happened.

21 Q. I'm not questioning that. Where was more  
22 money coming from, from the store's operations or  
23 from your husband's earnings?

24 A. I'm trying to remember what kind of --



1 well, I don't -- I don't -- I've never known what  
2 kind of money Ralph has made, so I can't answer that  
3 question honestly.

4 Q. I'll ask him what he earned. So, in that  
5 regard, I'll just ask today what you had earned. At  
6 the temporary services from '86 to '92, were you  
7 working full time at those places?

8 A. Yes.

9 Q. And do you remember what your take-home  
10 salary was for or gross salary was for any given  
11 year on average?

12 A. I have never made more than twenty  
13 thousand dollars.

14 Q. At any --

15 A. Except I will say maybe National Leisure  
16 Group. I know I made -- I think -- I mean, I made  
17 maybe 25 with National Leisure Group.

18 Q. But the remainder of your jobs, you've  
19 never earned more than twenty thousand dollars a  
20 year?

21 A. No.

22 Q. Did you work full time at Weight Watchers  
23 as a counselor?

24 A. No.

1 Q. How many hours a week do you think you  
2 worked on average?

3 A. It's so hard to answer.

4 Q. Give me a range. Maybe between 15 hours  
5 and 25 hours a week or between 20 and 35 hours?

6 A. I would say 20 to 30.

7 Q. And an average, how many hours a week did  
8 you work at the Diet Workshop?

9 A. In the beginning, I would say 20, 25, and  
10 then it turned to 35 to 40.

11 Q. And why the increase?

12 A. Because my position changed.

13 Q. Oh, that's right. You became a manager;  
14 right?

15 A. Uh-huh.

16 Q. What was your job as a manager at Diet  
17 Workshop?

18 A. I was responsible for different centers.

19 Q. How many different centers did you have  
20 responsibility for?

21 A. It was -- there was Cambridge and Woburn  
22 and for part of the time Waltham.

23 Q. And how many hours a week did you work at  
24 Lunch Dates on average?

1           A.    Oh, full time and a little bit of  
2   overtime.

3           Q.    And even there, you didn't make more than  
4   twenty thousand dollars a year?

5           A.    I made eight dollars an hour. You figure  
6   it out.

7           Q.    And at Doctor DeAngelo's, again, you think  
8   you made under twenty thousand dollars a year there,  
9   too?

10          A.    I made four hundred dollars a week.

11          Q.    And did you work fifty weeks a year?

12          A.    Yes.

13          Q.    How many hours a week did you work about?

14          A.    For Doctor DeAngelo?

15          Q.    Yes, yes.

16          A.    Forty hours a week.

17          Q.    So, ten dollars an hour?

18          A.    Ten dollars an hour, correct.

19          Q.    I think I've covered the background.

20          A.    This was more difficult, I mean, trying to  
21   remember stuff --

22          Q.    Again --

23          A.    -- is awful.

24          Q.    -- there are no wrong answers. It's

1       opposed to twenty thousand?

2               A.     Because what happened was more letters  
3       started coming in the mail that said the IRS on it,  
4       and finally he told me he had never paid taxes.

5               Q.     When did he tell you that?

6               A.     That was in the early -- well, the late  
7       '70s, and we were talking about getting married, and  
8       I had said to him, we're not getting married until  
9       you get your taxes straightened out.

10              And even then, even after -- we got married in  
11       '80.  If I'm not mistaken, I think I filed '80 -- I  
12       think I filed '80 by myself and '81 by myself, and  
13       then I insisted on an accountant.

14              Q.     Do you know if Ralph became current with  
15       his tax filings before you got married?

16              A.     Yes.  And the reason I know that is  
17       because if I'm not mistaken in the stack of papers  
18       that I filed at the time, he had to go to the IRS in  
19       Fresh Pond, and there's all information from there,  
20       plus he was borrowing money from everyone to meet  
21       that obligation.

22              Q.     His obligation from '76 to '80 or so?

23              A.     Right, right.

24              Q.     At some point in time, did the two of you

1 start filing returns jointly?

2 A. Yes.

3 Q. And when did that start?

4 A. Well, like I said, we were married in '80.

5 I think it was '82, and we had an accountant.

6 Q. Do you remember the name of your

7 accountant?

8 A. See if I can remember, Tony Pinsopoulos.

9 Don't ask me how to spell it.

10 Q. And where was his office located?

11 A. In Boston.

12 Q. And at some point in time, did you stop

13 using this accountant?

14 A. Ralph didn't like paying to have our taxes

15 done, and I just felt I want my taxes done

16 correctly, especially with the business.

17 So, after I got rid of the business, you know,

18 I still wanted to have a tax accountant do it, and

19 he just couldn't see spending the money. I think it

20 was in 19 -- I want to say 1992, Ralph said that he

21 could do the taxes.

22 Q. I'm going to follow up, because I don't

23 know if I have everything yet. You had the business

24 from '80 to '86 or so?

1 A. No.

2 Q. At some point in time, did you receive in  
3 Stoneham, at the house in Stoneham, any notices from  
4 the IRS regarding Ralph's unpaid tax liabilities?

5 A. I received -- Ralph was out of the house.  
6 It was 1997, and a form, it said, whatever it said  
7 IRS, whatever it says on the envelope. I don't know  
8 what it says on the outside of it, but it was  
9 addressed to both of us, and I opened it, and I went  
10 through the roof.

11 I called Ralph, and this was in '97. Now, I  
12 don't know if it was October or November, but it was  
13 one of those two months, and I called him, and I  
14 said I just received a letter, and I read the letter  
15 to him. I said what the hell is going on, and he  
16 said that he hadn't been paying his taxes, our  
17 taxes, and I said, but we filled out our forms.  
18 What do you mean you haven't been paying our taxes?  
19 He said, I've never sent them in.

20 Q. Let me back up. Do you remember what  
21 years this notice was for?

22 A. I want to say the specific letter that I  
23 received was for I want to say '95. That was the  
24 only year on that letter was '95, and Ralph just

1 my taxes and FICA and whatever needed to be taken  
2 out, so I always had a W-2 form. So, I mean, my  
3 stuff was taken out.

4 Q. Let me turn to the next year. We just  
5 talked about -- I think we just finished talking  
6 about 1993; right?

7 A. Yes.

8 Q. The next year, for the tax year '94, what  
9 was the process --

10 A. The same process. It was the same  
11 process. Until he left in '97, we filed '96. We  
12 did not file '97 together. So, up until the '96  
13 filing, it was the same process. Give me all the  
14 paperwork. I'll do it. You just need to sign it.  
15 I'll take care of it.

16 Q. In the fall of '96, did you and Ralph  
17 essentially start leading separate lives?

18 A. In -- yes, in the fall of '96.

19 Q. So, when the '96 return was due in the  
20 spring of '97, was that process any different from  
21 the previous years?

22 A. No different. I wanted to file separate.

23 Q. So, why didn't you?

24 A. Because Ralph kept saying, well, there's

1 the house involved, and there's this involved, and I  
2 said, I just don't want to be filing with you. I  
3 don't trust you. Things aren't right.

4 Q. Did you keep copies of the tax returns;  
5 did you get copies of the tax returns?

6 A. I didn't get copies of the tax returns,  
7 no.

8 Q. Do you know if Ralph kept copies?

9 A. I would think so, because I mean in my  
10 head, that would be the -- everyone keeps copies I  
11 think.

12 Q. Before you started preparing the returns  
13 yourselves, preparing not filing, preparing the  
14 returns yourselves in '93, did either you or Ralph  
15 keep copies of the tax returns the accountant  
16 prepared?

17 A. The ones that the accountant -- yes.

18 Q. And where were those kept in the house?

19 A. In Ralph's den. Ralph has a den -- not a  
20 den, a desk, his desk in his den. We kept basically  
21 all the stuff there.

22 Q. And are those tax returns still there  
23 today?

24 A. No.



1 Q. What's happened to them?

2 A. I have no idea. Ralph took a lot of stuff  
3 when he left. I don't know.

4 Q. It's going back a long time, so either  
5 Ralph has taken them or they have been disposed of.

6 A. The desk is there.

7 Q. But the tax returns are not?

8 A. Right.

9 Q. Since Ralph moved out in '97 --

10 A. Yes.

11 Q. -- have you prepared your own tax returns?

12 A. Yes.

13 Q. As opposed to going to an accountant?

14 A. Yes.

15 Q. And do you still have copies of your  
16 returns going back to '97, '98, '99?

17 A. I don't have those. I have -- I gave them  
18 all to him 2001.

19 Q. That's your answer?

20 A. 2001.

21 MR. BURKE: For the record, they have  
22 been given Mr. Turanchik already, who has made  
23 copies at the expense of my client.

24 Q. When you and your husband had bought the